

A P R O C L A M A T I O N,

Appointing Masters for preserving the Game.



WILLIAM and MARY by the Grace of GOD, King and Queen of Great-Brittain, France and Ireland, Defenders of the Faith, To Our Lovits, Macers of Our Privy Council, Messengers at Arms, Our Sheriffs in that part conjunctly and severally specially constitute, Greeting, Wee taking to our Consideration the great prejudice the Kingdom doth sustain, in the Decay of Deer, Roes, and Wild-Fowl, notwithstanding of the Care taken by our Royal Progenitors thereanent; and of the many good and useful Laws made for preserving the Game, to prevent and repair this Evil and Mischief, and against the destroying of Smouts and Trouts with Criels and other Engines anent Cruives and Zairs, steeping of Lint in Rivers, Lochs, and Burns, where Fishes are: And Particularly, that by the 31, A.D., of the 23, Parliament of King Ja. 6th. All Persons who are not Heretors are prohibited to Hunt or Hauk; and that neither Heretor or other Shoot, Deer or Roe, in time of Snow. As also that by the 11th, A.D. of the 4th Parliament, K. Ja: 5th, and 210th, A.D. of the 14th Parliament, K. Ja: 6th. Letters are ordained to be direct, charging all Keepers of our Forrests to permit no Pasturage within the Marches thereof; But that they Sieze and Eicheat them, under the pain of losse of their Office. And that Forresters of Forrests belonging to private Men, shall apprehend such as Travel with Guns or Dogs in Forrests, and carry them to the nearest Sherriffs, Stewarts of Stewartries, Baillies of Bailzeries, and Regalities, or Justices of Peace to be secured; to answer as accords of the Law. And that all such of the Liedges who shall be required to concur to apprehend such Persons, give ready obedience as is ordained by the Forrest Laws, Cap. 15. and Cap. 22: And those who conceal them to be synd as art and part of the foresaid fault. And sicklyke, that all Persons are Commanded to forbear, to slay any Muirfowl, Heathfowl, Partridge, Quail, Duck, or Mallard, Tale, or Atail, or Tormicgan, from and after the first day of Lent, to the first day of July yearly according to the 108. A.D. Parl; 7th. K. Ja: 1st, excepting Water-fowl, with Hauks in Dreidging time. And that the Killing of Muir-Fowl, Powts, before the first of July, Heath-pounts before the first of August, or Partridge, or Quale before the first of September, yearly, is forbidden by the 23, A.D. Parl. 16, K. Ja: 6th, Item, that by the 48, A.D. Parl. 4th. K. Ja: 4th. Moor-burn, after the last of March, is discharged, and the Masters are thereby to be lyable for all upon their Land. Item, That by the 210, A.D. Parl. 14, K. Ja: 6th, Shooting, Hunting, or Haulking within six miles of our Palace, are prohibited under the pains therein contained, without expresse Licence of the Masters of the Game. Item, That by the 23 A.D. Parl. 16, K. Ja: 6th. All selling or buying of Deer, Roe, Hairs, Muirfoul, Tarmicgan, Heathfouls, Partridge or Quails are discharged under the pains contained in the said A.D. Item, That by the 51, A.D. Parl. 6th. Queen Mary, Hunting is forbidden on other Mens grounds without leave of the Owner. And whereas by the 11th A.D. Parl. 1st. K. Ja: 1st, Cruives, and Zairs, set on fresh water without expresse Infestment of Salmon Fishing are ordained to be destroyed and put away for ever, and that where Cruives are allowed by infestments, that ilk heck be three inch wide, which is Ratified by the 73, A.D. Parl. 10th. K. Ja: 3d. And that by the 87. A.D. Parl. 14th. K. Ja: 2d, It is statute, that no man set Vessels, Creils, Weyrs, Netts, or any other Inigne to hinder Smouts from going to the Sea; And that Coups, Masses, Netts, Prines set on waters that has course to the Sea, be destroyed, and who holds them up to be lyable as destroyers of Red-fishes. Item, That all Millers that slayes Smouts or Trout, with Criels or with any other Engine, or any who Dames or Leaves shall be punished as slayers of Red-fish, conform to the 73 A.D. Parl. 5th. K. Ja: 3d. And where the transgref-sours has no means, they are appointed to be put in Prison, Irons, or Stocks for the space of one Moneth upon their own expenses. And if they have it not of their own, To be fed on Bread and Water conform to the 89th, A.D. Parl. 6th. K. Ja: 6th. And by the 13th, A.D. Parl. 18th. K. Ja: 6th. The steeping of Lint in Rivers, Lochs, or Burns, where Fishes, are, is discharged, and that under the pain of Fourty Shillings Scots Toties Quoties, and confiscation of the Lint. And likewise the shooting of Hares, or Herron, at any time, is expresse prohibited and discharged under the pains contained in the A.D.s of Parliament made thereanent. And we also considering that by the 20th A.D. of the Parliament holden at Edinburgh, in the year, One thousand, six hundred, and Eighty five, all the former Laws and A.D.s of Parliament made for preserving of the Game, and an A.D. of King Charles the second, with advice of his Privy Council of the date the ninth day of June, One thousand six hundred, and Eighty two years, with the whole Laws and A.D.s of Parliament above-men-tioned therein narrated, are Revived, Renewed, Ratified and approven, and whereby also all persons are prohibited and discharged to have or use setting-Dogs, unless he be an Heretor of an thousand pounds of valued Rent, and have expresse license of the Masters of our Game, within their several bounds under the pain of five hundred Merks, Toties Quoties, in case of Failzie; and that all Common-fowlers and Shooters of Fowl, or any Persons, except they be Domestick servants to Noble-men or Gentle-men, who are Heretors of an thousand pownds Scots of valued Rent, are discharged to have or make use of Setting-Dogs, or Fowl-ing Pieces, under the pain of escheat of such Dogs, or Guns, and Imprisonment of their Persons, for the space of six weeks, Toties Quoties. And that the Selling or Buying of Deer, Roe, Hares, Moor-Foul, Tarmicgan, Heathfouls, Partridge, or Quails, is discharged for the space of seven Years next ensuing the Twenty of June, One thousand, six hundred, and Eighty two years, (which we hereby think fit to prorogate and continue for the space of Five years commencing from the dait hereof.) And we ordain the pains and Penalties contained in the 23d, A.D. Parl. 16th. K. Ja: 6th, to be exacted from the transgref-sours, during the space foresaid) And by which Proclamation Ratified and approven as said is, for the better discovery of the Contraveeners, Warrant is givento the Masters of our Game, their Deputs or others impowered by either of them in their respective bounds, to make search for any of the said Deer, Roe, Hares, Moorfoul, Tarmicgan, Heathfoul, Partridge, or Quails so killed in any suspect place within or without Burgh, alſ well the Buyers as sellers in Mercat or outwith the samen, or Foulers. And to Seize, Search, Secure, and confi-ecat the same for their own use: And by which Proclamation so ratified as said is. The Masters of our Game are ordained to require all Heretors and others, To throw down all Cruives and Zairs, set on fresh waters without expresse Infestments of Salmon Fishing betwixt and the first day of July thereafter, under the Pain of an hundred Pound Scots, to be uplifted off these who refuse. And the Sherriffs and their Deputs are appointed to give speedy Justice therefore, when desired by the Masters of the Game or their Deputs. And the several Sherriffs and their Deputs, Stewarts of Stewartries, Bailies of Regalities, and their Deputs and Magistrats of the next adjacent Burrows are ordained to concur with the Masters of the Game, for throwing down of the saids Cruives, Criels, Netts, and Engines, when they shall be required. And if the saids Judges shall be found negligent, that the foresaid Penalty be uplifted off themselves, according to the 68th. A.D. Parl. 9th. of Queen Mary. And albeit that the Masters of the Game were appointed to have put the saids Laws to full and due execution, conform to the power and warrant granted to them, yet the same hath hitherto been altogether slighted and neglected. And we being most desirous to follow the Laudable example of our Royal Ancestors, who in their Reigns have made so many good Laws for preserving the Game; And to the end the samen may receive the more vigorous execution, We wi: h advice of our Privy Counsel, do hereby revive all the former Laws and A.D.s of Parliament made for preserving the Game. And Commissionat the Persons Following to be Masters of Game within the respective Bounds after specified. viz. The Earl of Lothian, for the Shire of Edinburgh, and Town thereof; the Earl of Linlithgow, for the shire of Linlithgow and Bathgate: The Earl of Tweeddale Lord high Chancellor, for the shire of Haddington: The Earl of Callander, for the shire of Stirling: The Earl of Mar for the shire of Clackmannan: The Earl of Melvill, Lord Privy Seal for the shire of Fife: The Master of Burlich, for the shire of Kinross: The Lord Ruthven for the shire of Perth, Be-west Tay, And the Lord Kinaird, for that shire on the east side of Tay: The Marques of Athol, for the Stewartries of Strathern, Monteith, and Ballindalloch: The Earl of Strathmore, for the Shire of Forfar: The Earl of Marischal for the Shire of Kincardine, and for all below Mormouth-bill and the Water of Euge in Bamff-shire: Sir James Ogilvie of Church-bill for all the rest of Bamff-shire: The Earl of Kintore for all betwixt Crathes, Bannachie and the Sea in Aberdene-shire: The Master of Forres in all above that in the said Shire: The Lord Duffus for all from Spey to Ness, high and low, comprehending Elgin, Nairn, and Inverness-shire, to Loch Ness: Lord Lovat from Ness to Conon, high and low, excluding Cromarty-shire: The Viscount of Tarbatt, Lord Clerk-Register, from Conon to Portnaculter and Okell Water, and on the West from Loch Ness, Cuilisnack, including Cromarty-shire: The Earl of Sutherland for Sutherland, excepting Affine, which is in the last Division: The Earl of Broad-Albion for the Shire of Caithness: The Stewart of Orkney, for Orkney: The Earl of Argyle for the Shires of Argyle and Bute: The Lord Polwart for the Shire of Berwick: The Earl of Roxburgh for the Shire of Teviotdale: The Duke of Hamilton for the Shire of Lanark: The Lord Montgomery for Cunningham: The Earl of Cassilis for Carrick: The Master of Cathcart for Kyle, within the Shire of Ayr: The Lord William Douglas for the Shire of Peebles: The Earl of Glencairn for the Shire of Renfrew: The Laird of Luss for the Shire of Dumbarton: The Viscount of Stair for the Shire of Wigton: The Earl of Galloway for the Stewartry of Kirkcudbright: The Duke of Queensberry for the Shire of Dumfries, and James Murray of Philiphaugh, one of the Senators of the Colledge of Justice, for the Shire of Selkirk: Hereby Impowering and Warranting them to put the standing Laws in execution, in so far as concerns the preserving of Forrests, Wild-foul, and Fishing; especially the Laws and Ordinances above-specified: And We require all our Judges ordinari in their respective Bounds and Jurisdictions, to give speedy Justice thereupon, in favours of the saids Masters of Our Game, or their Deputs, when they delate or purue Delinquents before them, as they will be answerable upon their Duties and Offices. And all Sheriffs, Mayors, and other Officers and Fiscals of their respective Courts, are ordained to Cite Delinquents before these Courts, as they shall be informed thereof, and Witnesses to prove the famine, and to prosecute the famine, until final Sentence be pronounced against them, and thereafter see these Sentences put to due and lawful execution, the expences whereof is to be payed out of the first and readiest of the Fines of the Delinquents so uplifted, at the sight of the respective Masters of Game, under the pain of Deprivation, and further Censure, in case of negle: t, as Our Council shall find cause. And for further enabling Our saids Masters of Game, We empower them to appoint Deputs, one or moe, for whom they are to be answerable, as well for their Diligence as Fidelity, and that their saids Deputs themselves, nor none by their connivance, take upon them to contraveen this Proclamation, and destroy the Game. And to encourage them in so good service to Us and Our People, We hereby allow Our parts of all Fines and Unlaws due to Us by Our Laws, for the Crimes relating to Forrests, Game, and Fishing, in favours of the saids Masters of Our Game, within their respective Bounds, and during the time We shall think fit to employ them in the said service; withal Certifying them, that if they be remis or negligent in their duty, they are to be discharged of their Offices, and Fined by Our Privy Council, as they shall find cause. And We declare Our said Commission to continue and endure for the space of seven years after the date hereof, and until We or Our Privy Council think fit to recall the same. OUR WILL IS HEREBE, and We Charge you straitly, and Command, that incontinent these Our Letters seen, ye pas to the Mercat-Cross of Edinburgh, and other Mercat-Crosses of the head Burghs of the several Shires of this Kingdom, and other places needful, and thereby open Proclamation make Publication of the Premises, that none pretend ignorance.

Given under Our Signet at Edinburgh, the Ninth day of August, and of Our Reign the Fourth Year, 1692.

Per Actum Dominorum Secreti Concilii,
in Supplementum Signeti.

D. A. MONCRIEF. Cls. Sti. Concilii.